

## REMARKS

The enclosed is responsive to the Advisory Action mailed on June 30, 2010. By way of the present response applicants have: 1) amended claims 1, 16, and 19; 2) added no claims; and 3) canceled no claims. Support for the amendment is found in the specification as originally filed – e.g., at least in page 10, lines 16-28. No new matter has been added.

Reconsideration of this application as amended is respectfully requested.

### Claim Rejections – 35 U.S.C. §103

Claims 1, 3-5, 7-9, 13, 15-17, 19, 21-24, and 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WO 02/073877A2 by Brandys ("Brandys") in view of U.S. Patent No. 4,887,296 by Horne ("Horne") and further in view of U.S. Patent No. 7,434,051 B1 by Montenegro ("Montenegro"). Applicants do not admit that Montenegro is prior art and reserve the right to swear behind Montenegro at a later date.

Brandys describes a smart card that verifies biometric information and digitally signs messages upon authenticating a user. In particular, Brandys describes that the smart card signs a message by hashing the message to create a message digest, which is then encrypted with a private key to create a digital signature. A recipient of the message can verify the signature by using a public key.

Horne describes a broadcast satellite system for encrypting audio signals transmitted to a large number of receivers. In particular, Horne describes distributing audio encrypted with a common key. Individual keys for each receiver are generated by encrypting the address number of each receiver using a master

key. The common key is then encrypted using each individual key and transmitted along with the encrypted audio.

Montenegro describes a method for authenticating a Crypto-Based Identifier (CBID) that is transmitted over a public network without a public key infrastructure. In particular, Montenegro describes translating the received CBID is translated using a One-Time Password (OTP) dictionary to display a string of words to the user at the receiving device. The receiving user then verifies the string of words with the sending user - e.g., via a verbal communication.

Applicants respectfully submit that Brandys does not teach or suggest a combination with Horne and that Horne does not teach or suggest a combination with Brandys. Brandys describes appending a digital signature to a message - e.g., to a single recipient - based on a private/public key infrastructure and biometric data of the sender so that the sender of the message can be authenticated. In contrast, Horne describes broadcasting encrypted audio in a satellite system to many users - e.g., thousands/millions of recipients. The Examiner alleges that the combination would be obvious because "Horne would have improved the teachings of Brandys by using a master key to encrypt generated keys in order to require only a single key to be protected instead of multiple generated keys." (Office Action dated 2/17/10, pages 6-7). Brandys, however, does not disclose protecting or otherwise storing multiple generated keys (e.g., keys for each recipient). Brandys describes storing a single private key/public key pair.

In the Advisory Action dated June 30, 2010, the Examiner maintained the combination, stating that the smart card described in Brandys describes generating a pair of keys – a public key/private key pair – and, therefore, describes generating

multiple keys. Applicant respectfully submits, however, that a single private/public key pair does not warrant the addition of a system, like that described in Horne, of storing a master key to generate keys for a plethora of subscriber units.

Furthermore, applicants submit that Horne does not teach or suggest a combination with Montenegro and that Montenegro does not teach or suggest a combination with Horne. Horne describes broadcasting encrypted audio (of satellite TV broadcast) to many recipients - e.g., thousands/millions. Montenegro describes authentication between two users. Furthermore, Montenegro describes translating a CBID into a string that can be read by a user of the receiving device and verified with a user of the sending device so that two users who wish to communicate with each other can authenticate one another's address/devices. Requiring every recipient of a satellite broadcast to read a translated string and call the broadcaster to authenticate the CBID each time a connection is established would render Horne unsatisfactory for its intended purpose. (MPEP § 2143.01V).

In response to the applicants previous submission of this argument, the Examiner argues that Montenegro describes response messages that "include a digital signature of the entire message (i.e. requested data) based on the private key (i.e. generated key)." (Office Action dated 2/17/10, page 3). Montenegro describes a digital signature based upon the reply message. Montenegro does not disclose that the reply message or signature includes or is otherwise based upon the requested data (i.e., requested by the host and transmitted by the portable data storage device) or the generated key (i.e., generated and transmitted by the portable data storage device). Applicants respectfully submit that Montenegro describes that the signature included in a reply message is based upon the replying device's own

private key – not the sending device's private key. Additionally, Horne does not disclose the transmission end of its broadcasting system receiving, or having the ability to receive, any messages from the recipients of the broadcast – i.e., Horne describes communication in a single direction only. Horne does not describe authentication of each receiver node (as alleged by the Examiner). Accordingly, applicants submit the combination is the result of impermissible hindsight based solely on applicants' disclosure and that the Examiner has not articulated a reasoning with some rational underpinning to support the combination of Horne and Montenegro.

Even if Brandys, Horne, and Montenegro were combined, the combination would at least fail to disclose

wherein the **portable data storage device** is further arranged **to receive from the host a digital signature that is generated using the at least one generated key and the requested data** transmitted to the host from the portable storage device, and the portable storage device is further arranged to use the received digital signature to verify that the requested data has been correctly received by the host.

(Amended claim 1) (emphasis added).

Applicants agree with the Examiner that Brandys and Horne fail to disclose this claim feature. Applicants, however, disagree with the allegation that Montenegro does. Montenegro describes both the recipient and the sender devices using the OTP dictionary to translate a CBID into human-recognizable string of words so that the users of each device can read and compare the strings - e.g., face-to-face, by telephone, etc. The Examiner alleges that Montenegro's response message is equivalent to the claimed requested data and that the private key associated with the device is equivalent to the claimed generated key. Applicants

respectfully disagree and submit that Montenegro does not describe that the device (e.g., 103) that receives the CBID sends a digital signature ***generated using the generated key and the requested data*** to the device (e.g. 101) that sent the CBID. Montenegro does not describe that the reply message or signature includes or otherwise generated using the requested data (e.g., requested by device 103 and transmitted by device 101) or the generated key (e.g., generated and transmitted by device 101). Montenegro only describes the contents of the reply message as including the replying device's (e.g., device 103) CBID, a NONCE, the replying device's (e.g., device 103) public key, and a digital signature. (Montenegro, col. 5, lines 27-31 and Fig. 5). Montenegro describes that the signature is based upon the replying device's (e.g., device 103) own private key – not the sending device's (e.g., device 101) private key.

In the Advisory Action dated May 10, 2010, the Examiner maintained this rejection stating that Montenegro describes including a random number previously sent from a requesting device (NONCE). Applicants respectfully submit that said NONCE is not described by Montenegro to be either requested data or a generated key as set forth in claim 1.

Accordingly, applicants submit that the rejection of claim 1 has been overcome. Given that independent claims 16 and 19, while different from claim 1, contain features similar to claim 1 as discussed above, applicants respectfully submit that the rejection of claims 16 and 19 has been overcome for at least the reasons set forth above.

Given that claims 3-5, 7-9, 13, 15, 17, 21-24 and 27-29 are dependent claims with respect to claims 1, 16, and 19, and include additional features, applicants

respectfully submit that the rejection of claims 3-5, 7-9, 13, 15, 17, 21-24 and 27-29 has been overcome for at least the same reasons set forth above.

Claims 10 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brandys, Horne, and Montenegro as applied to claims 1 and 19, and further in view of U.S. Patent Pub No. 2003/0161468 A1 by Iwagaki et al., ("Iwagaki"). Applicants do not admit that Iwagaki is prior art and reserve the right to swear behind Iwagaki at a later date.

Claims 10 and 30 are dependent upon claims 1 and 19 respectively. Applicants respectfully submit that Iwagaki does not remedy the shortcomings of Brandys, Horne, and Montenegro discussed above. Accordingly, applicants respectfully submit that the rejection of claims 10 and 30 has been overcome for at least the reasons set forth above.

Claims 11, 12, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brandys, Horne, and Montenegro as applied to claim 1, and further in view of U.S. Patent 6,536,941 by Fang, ("Fang").

Claims 11, 12, and 14 are dependent upon claim 1. Applicants respectfully submit that Fang does not remedy the shortcomings of Brandys, Horne, and Montenegro discussed above. Accordingly, applicants respectfully submit that the rejection of claims 11, 12, and 14 has been overcome for at least the reasons set forth above.

### CONCLUSION

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome.

Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: August 17, 2010

/Ryan W. Elliott/

Ryan W. Elliott  
Reg. No. 60,156

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300